

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:05cv205**

**UNITED STATES OF AMERICA upon** )  
**the relation and for the use of the** )  
**TENNESSEE VALLEY AUTHORITY** )  
 )  
**Plaintiff,** )  
 )  
**Vs.** )  
 )  
**EASEMENTS AND RIGHTS OF WAY** )  
**OVER A TOTAL OF 1.24 ACRES OF** )  
**LAND, MORE OR LESS, IN** )  
**CHEROKEE COUNTY, NORTH** )  
**CAROLINA; and JOSEPH A. LEDFORD,** )  
***et al.,*** )  
 )  
**Defendants.** )  
 )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the court on the joint Motion for Mediation Before United States Magistrate Judge. The court commends the parties for attempting to resolve this matter in a most efficient manner, and will grant the request.

In preparation for such judicial mediation, respective counsel should prepare a short position statement that includes: (1) a summary of the action; (2) any issues of law that could impact decision; (3) a description of the land; (4) any appraisals the parties may have had commissioned; and (4) the fair market value of the property . If such taking has or will impact the value of any adjoining lands owned by defendants, this factor should also be included in the memo. Maps, surveys, or photos are welcome.

Such memoranda should be in the form of letters mailed to the chambers of the undersigned and should not exceed five pages. Such memoranda will not be filed or placed in the public record, and the contents of such memoranda will only be revealed to the opposing party with permission of the submitting party.

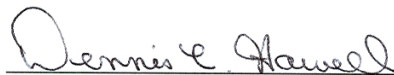
At the settlement conference, each side shall have present a person with full authority to settle this case. Inasmuch as the TVA has independent litigating authority granted by the United States of America, the court will treat the TVA as if it was in fact the United States, and therefore not require that a person with final authority be physically present. Counsel for TVA should be able to inform the court whether, in his judgment, the proposed settlement would be the type usually acceptable by the TVA and may freely use the court's phones.

After receiving this Order, respective counsel should discuss a date and time for the mediation and call the undersigned's secretary, Sharon Hughes, at 828-771-7240, and schedule an appointment.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the joint Motion for Mediation Before United States Magistrate Judge (#13) is **GRANTED**, and this action is **STAYED** pending completion of the judicial settlement conference.

Signed: July 20, 2006

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Dennis L. Howell  
United States Magistrate Judge

